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## Indonesia

## Food and Agricultural Import Regulations and Standards

## Country Report

## 2004

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**FOOD & AGRICULTURAL IMPORT REGULATIONS:  
INDONESIA*****DISCLAIMER:***

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Jakarta, Indonesia for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCTS IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

**EXECUTIVE SUMMARY**

A comprehensive law concerning foodstuff was signed into force in 1996, but essential regulations required to implement the law entered into force in 2000. Changes within recent years have seen a reduction of the Government's controls on food imports and distribution, but imports are still highly regulated. The most difficult problem for exporters shipping high value products may be the requirement that all imported products be registered. This can be a long and onerous process, but experienced local agents can get it accomplished. Imports of meat are always subject to shifting regulations and requirements. Also, each meat shipment imported requires prior approval by the Ministry of Agriculture.

The Food Act 1996 covers most aspects of food regulation, but it is broad in scope and requires several supplementary determinations. Many of those regulations remain from earlier decrees, but some - notably labeling law - required new government regulations. Another significant piece of legislation was the Consumer Protection Act of 1999, which includes general provisions applicable to food retailing.

Food imports require product registration with the Department of Health and some products require additional approvals. Food additives require approval, and special labeling requirements apply. Food labels are to be in the Indonesian language and must be easily understood by consumers. Mandatory information includes the product name, weight or volume in metric units, use by date, production code, Department of Health registration number, the name and address of the manufacturer or importer and whether the food is pure by Islamic standards.

Nutritional labeling is not mandatory, but is subject to regulation if applied. The law requires the industry to inform consumers of nutritional requirements as well as list quantitative values of nutritional constituents. Misleading information is forbidden and breaches are subject to criminal proceedings.

Packaging is legislated to provide for safety from contamination but no "green" regulations apply. There are no laws affecting waste disposal, except as applicable to time expired food.

The use by date is to be determined by the manufacturer and must be shown on the label or on the package. The date may not be changed from the date placed by the original manufacturer. While the date may be of the form "best before ....", it is actually interpreted as an expiry date. After the use by date passes unsold food must be destroyed, or otherwise disposed of under the approval of the Department of Health.

Import of food products requires certification by National Agency for Drugs and Food (BPOM) and Customs clearance. Plants and animals are subject to quarantine requirements. Food material control by the National Logistics Board (BULOG) is no longer in force. Tariffs are being progressively lowered, but high duty rates apply to rice and sugar imports as a reaction to claims that imports were prejudicing the survival of indigenous production.

## SECTION I. FOOD LAWS

Republic of Indonesia Act No. 7 of 1996 concerning Food (*Undang-undang Republik Indonesia Nomor 7 tahun 1996 tentang Pangan*) is the most comprehensive legislation governing production, import and distribution of foodstuff in the Indonesian system. Although the Food Act 1996 was signed into force in November 1996, many of its provisions have taken a long time to be enacted. For example, the Act included five clauses concerning labeling of packaged food, but an adjacent clause states that four of those five clauses would be further regulated by Government Regulation. The Indonesian view is that until the required regulations are in force the affected provisions of the Act would not be enforced.

Other significant legislation concerning food and agricultural imports include:

- 001. Law Number 6 of 1967 concerning Essential Stipulations for Animal Husbandry and Health of Livestock.
- 002. Law Number 9 of 1985 concerning Fisheries.
- 003. Law Number 12 of 1992 concerning Cultivation of Plants.
- 004. Law Number 23 of 1992 concerning Health.
- 005. Law Number 25 of 1992 concerning Cooperatives.
- 006. Law Number 9 of 1995 concerning Small Business.
- 007. Law Number 10 of 1995 concerning Customs Tariff.
- 008. Law Number 8 of 1999 concerning Consumer Protection.

In addition to the Acts listed above there are a number of Presidential Instructions, Ministerial Regulations, Ministerial Decisions and Departmental Determinations that regulate food production, import and distribution. A list of matters covered by these authoritative documents is included at Appendix A.

### Food Act (UU No 7/1996)

The broad scope of the Food Act of 1996 can be seen in its preamble, which includes the following statements:

- Food is a basic need of mankind and fulfillment of that need is a basic right of all Indonesians.
- Food that is safe, of good quality, nutritious, diverse, and provided in adequate quantity is the primary condition that must be achieved to provide a nutritional system protecting the health and improving the well being of society.
- Food as a commercial commodity requires an honest and responsible trading system so that sustenance is available within the purchasing power of the society and the trade in food can play a role in national economic growth.

The definition of food in the Act further indicates its comprehensive coverage:

*'Food is everything that originates from biological sources and from water, either processed or unprocessed, that is intended to be eaten or drunk by humans, including food additives, basic food materials and other materials used in the preparation, processing and/or manufacture of food and drink.'*

The official amplification appended to the legislation states that the Food Act covers the following aspects:

- Technical criteria concerning food - covering safety, quality and nutrition as well as provisions for labeling and advertising foodstuff.

- Responsibilities of those who produce, store, transport and/or distribute food, together with legal sanctions to enforce the determinations. (This aspect includes import and export of foodstuff.)
- The role of government and society in achieving self-sufficiency in food and diversity in the foodstuffs consumed.
- The role of government in fostering a domestic food industry aiming to improve the characteristics of food for domestic consumption and for export.

The Act contains the following chapters and sections:

1. Food Safety covering:
  - Sanitation.
  - Food additives.
  - Genetic engineering and irradiation.
  - Food packaging.
  - Quality assurance and laboratory testing.
  - Contaminated food.
2. Food Qualities and Nutrition:
  - Food quality.
  - Nutrition.
3. Labeling and Advertising Food:
4. Imports and Export of Food:
5. Legal Responsibility within the Food Industry.
6. National Resilience in Food.
7. Participation by Society.
8. Monitoring and Enforcement.
9. Criminal Provisions.
10. Delegation of Supplementary Tasks and Responsibilities.
11. Other provisions (Government may override the Act in an emergency).
12. Effect on earlier acts (remain in force unless in contradiction with the Act).
13. Closing provision (the Act is valid from the date of enactment).

## SECTION II. LABELING REQUIREMENTS

### General Labeling

Requirements for labeling of food products are broad in scope and in a phase of transformation. Changes resulting from the Food Act 1996 and the Consumer Protection Act 1999 came into effect in 2000. However, many of these requirements are still not enforced.

Previously existing labeling regulations remain in force, except where they are in conflict with the new law. The "old" regulations are contained in the following ministerial and departmental regulations:

- Minister for Health Regulation No. 79 of 1978 concerning Food Labels and Advertisements
- Minister for Health Regulation No. 76 of 1975 concerning Distribution and Labeling of Sweetened Condensed Milk
- Joint Decree by Minister for Health and Minister for Religion No. 68 of 1985 concerning the Inscription "Halal" on Food Labels
- Minister for Health Regulation No. 280 of 1976 concerning Distribution and Labeling of Foodstuff Containing Material Originating from Swine
- Minister for Health Regulation No. 826 of 1987 concerning Irradiated Foodstuff

- Director General for Control of Food and Medicine No.02240/B/SK/VII/1991 concerning a Guide to Quality Criteria and to Labeling and Advertising Food.

The latter document is the most comprehensive, outlining detail of the policy as interpreted in 1991 for implementing the Minister's regulation No. 79 issued in 1978. The director general who issued the guide is the public official responsible for enforcing the legislation.

All food packaged for sale must be labeled using:

- The Indonesian language,
- Roman text
- Arabic numerals.
- The writing must be firmly affixed and clear so as to be easily understood by the community.

Required items for labels under the Food Act 1996 include as a minimum:

- The name of the product.
- A list of ingredients.
- Net weight or net volume - using metric units.
- Name and address of the manufacturer or importer.
- Information whether the product is "Halal" (Pure by Islamic standards).
- Date of expiry. (Expiry date is amplified in Section VI of this report.)

The Act further states that the Government may stipulate additional items for inclusion, or may ban certain items from appearing on labels. Items that would therefore be required include:

- Production date as required by the Consumer Protection Act 1999.
- On sweetened condensed milk: the words "*Perhatikan! Tidak cocok untuk bayi.*" (Beware! Not suitable for babies) to be written in Indonesian in red 'universe medium corps 8' font and enclosed in a red rectangle.
- On products derived from swine: the words "*MENGANDUNG BABI.*" (Contains pork) to be written in red 'universe medium corps 12' font and enclosed in a red rectangle together with a drawing of a pig.
- Irradiated packaged food must carry a logo and the word "*RADURA*", together with phrases that indicate the reason for irradiation. Also required are the name and address of the radiation facility, the month and year of irradiation and the country in which the process was carried out.
- "*Minuman keras*" (Hard liquor) is to be written on all alcoholic beverages.
- "*Bahan tambahan makanan*" (food additive substance) to be printed in accordance with the relevant regulation.
- The Department of Health registration number is required on all labels.

Regulated or prohibited claims or implications under pre-1996 legislation include:

- On baby food it is not permissible to state or imply that the food can replace a mother's milk.
- A label is not permitted to imply that the contents have an advantage over products that do not carry a nutritional claim on their label.
- A special claim is not permitted if the nutritional value derives from associated food items. For example a breakfast cereal package may not include the nutritional contribution of the milk and sugar normally added.
- A claim for benefit to health must be supportable on the basis of the product composition and normal daily consumption.

U.S. labels would be unacceptable unless they meet all the requirements of the Indonesian law, but stick on labels meeting Indonesian requirements may be affixed. Foreign language in addition to the mandatory Indonesian labeling may be used. In general, although they can be widely found on retail products, foreign expressions are discouraged since they are seen as potentially misleading to a majority of the population. Moreover, Indonesia has an indigenous list of recommended daily average (RDA) nutritional intakes, and therefore US comparisons to RDA would be invalid.

Labeling regulations state that labels must be written in the Indonesian language. Officials have indicated that this means "only in the Indonesian language" because there is no provision for additional or duplicated labeling in a foreign language. However, the industry objects to that interpretation because it would necessitate labeling printed specially for Indonesia. In reality, the narrow interpretation is not being enforced as there is an abundance of retail products with two or more types of languages on the labels.

The Director General for Control of Food and Medicine may require food carrying a label in breach of regulations to be withdrawn from circulation. The Department suggests that labels be presented for approval by the Director General to obviate sanctions after a product has been released on the market. The suggestion has merit, but no regulation exists to require approval before release.

Labeling regulations are primarily applicable to packaged food for retail sale. Food delivered in bulk for repackaging or industrial use is subject only to requirements associated with irradiated foodstuff or food additives.

Enforcement of the labeling regulations is the responsibility of the Department of Health. The amount of packaged food in the market place that does not comply with the rules indicates that the Department does not have sufficient resources to enforce the law. Breaches would normally come to notice only in the event of a complaint - most likely from a consumer group, a religious movement or a competitor.

### **Nutritional Labeling**

Nutritional labeling to date has been sporadic and varied. The regulatory document is the guide to food labeling issued by the Director General for Control of Food and Medicine in 1991 (now is under National Agency of Drugs and Food Control (BPOM)). Since that document is a "guide" nutritional labeling is a voluntary practice.

Nutritional labeling is considered an educational service. Consequently labels are not permitted to lead consumers to believe that a certain amount of a particular substance must be consumed on a daily basis to ensure health. The view is that individuals have different requirements, and therefore no daily requirement should be promoted. Any claim for benefit to health must be supportable on the basis of the product composition and normal daily consumption. Implied claims are not acceptable because they tend to mislead and do not fit the concept of informing consumers of nutritional facts.

The Departmental view is that claims for therapeutic or physiological benefit can be divided into three classes:

1. Nutritional claims relating to the food's value as a source of energy, protein, vitamins or minerals in two divisions: identification of the elements present and clarification of their benefits.



- The nutritional elements must be listed and quantified. CODEX standards are to be used by preference, but are not permitted to conflict with the Departmental guidelines.
  - Clarification of the benefits of the food elements is intended to improve the general knowledge of nutritional requirements in the society. The clarification is not an essential addition to the listing of nutritional values, but if included it must be an addition, not substituted for the quantified list.
2. Therapeutic claims relating to benefit in curing a disease or health condition.
- Food for the treatment of obesity or diet food may only be identified as such if the calorific value is at least 25% lower than regular food of the same type.
  - Food may be identified as "diabetic food" only if it does not contain carbohydrate, or the carbohydrate content is far lower than regular food of the type, or the carbohydrate content is stated on the label. Diabetic food may not be labeled "low in sugar" or "free of sugar" if the food contains carbohydrate.
3. Claims that a foodstuff has tonic or restorative effect. In this respect:
- It is forbidden to claim that one foodstuff can ensure good health.
  - A claim that a foodstuff constitutes a tonic is not permitted. In general the word "tonic" should not be used except for "tonic water".

Health claims must be substantiated by legitimate research. Only a functional claim that is not misleading is permitted. Examples of acceptable claims are:

- Fiber helps to improve digestion.
- Fat free produce is good for the heart.
- Calcium aids in the development of strong bones and teeth.
- Iron is a factor in red blood cell formation.

Examples of non-acceptable claims are:

- Omega 3 develops the brain cells and intelligence.
- Calcium prevents osteoporosis and bone fractures.
- Iron prevents anemia.

The foregoing examples are taken from an article published by the Directorate of Food Control, Directorate General for Control of Food and Medicine, Department of Health (*Percetakan Negara* 23).

In addition to the provisions specifically for food labeling, the Consumer Protection Act 1999 contains general provisions against misleading claims. The provisions are wide ranging and apparently give consumers a high degree of protection from unethical business practices after coming into force on 1 April 2000. However, enforcement of the provisions is still lax.

### SECTION III. PACKAGING AND CONTAINER REGULATIONS

Packaging is regulated under the Food Act of 1996 as follows:

- Any person producing food for sale is forbidden to use any material that has been banned and/or can release contaminants that are dangerous or prejudicial to good health.
- Food for sale is to be packaged using methods to avoid spoiling or contamination.
- The Government will decide materials forbidden for use in packaging, and methods for packaging certain food
- If the effects of a packaging material on human health are not known, it must be not be used before being checked for safety. New types of material may be used for packing food only after receiving Government agreement.

- No person is permitted to unwrap and re-pack food, except in the case of bulk food intended to be packed into smaller packages.

There are no industry regulations or practices applicable to package size. Weights and measures used are metric, but imperial sizes labeled with the corresponding metric value are acceptable. Waste disposal is not regulated, except as covered in Section VI for time expired food.

#### SECTION IV. FOOD ADDITIVE REGULATIONS

The Food Act 1996 states that food additives are not to be used if they have been banned, or may not exceed specified limits. This implies a "negative" regulation of food additives, but the subsequent clause states that the Government will determine which substances are banned as food additives and/or may be used in food production and also the content limit. Hence the regulation is "positive" in that the Government states those additives that may be used.

Moreover, a regulation issued by the Director General for Control of Food and Medicine, No. 02592/B/SK/VIII/91 makes it clear that all uses of food additives require approval. The process to request approval is detailed in that regulation, including sample forms to be completed and sample approval forms. Approval is the prerogative of the Director of Food and Beverages, a subordinate of the Director General for Control of Food and Medicine. The regulation states that approval will be based on assessment against guidelines prepared by the Director General.

Approved food additives may be used subject to limitations or conditions in the approval granted. They may also be used in other food products provided that their use does not contravene special conditions for that product.

Every import of food additives must be reported in writing to the Director General for Control of Food and Medicine after the goods arrive in harbor. The report must include:

- The name of the substance and batch quantity and weight.
- The name and address of the importer.
- The name and address of the exporter.
- The name and address of the producer.
- The port and date of lading.
- The port of destination and date of arrival.
- The name, nationality and registration number of the ship or aircraft carrying the food additive import.
- The name and address of the warehouse and date into store.
- An outline of any accidents that may have occurred during shipping.

A certificate of analysis for the applicable batch must accompany every import of food additives. The certificate may be issued by the production plant or by the responsible authority in the country of origin. Before the import is cleared from the point of entry the Director General for Control of Food and Medicine must agree the certificate. If a certificate does not accompany an intended import, then a certificate must be requested from the Director General for Control of Food and Medicine before the food additive shipment may enter the country. The certificate must include:

- Date that the sample was taken.
- Batch number of the product
- Test date.
- Test method.

- Statement that the test result was in accordance with criteria for the product.

A food additive product from an animal source must also have a certificate of conformity with Islamic purity "Halal". That certificate is to be issued by the responsible authority in the country of origin.

Food additives produced, imported or distributed must comply with the Indonesian Food Codex or conditions approved by the Minister for Health. For food additives not listed in the Indonesian Codex, or not having conditions determined by the Minister for Health, the FAO/WHO Codex Alimentarius Commission or Food Chemicals Codex is applicable.

## SECTION V. PESTICIDE AND OTHER CONTAMINANTS

Pesticide and other contaminants are positively regulated, in general by the Food Act 1996 and in detail by a joint decree by the Minister for Health and the Minister for Agriculture, plus a Health Department regulation regarding metal contamination and also one concerning microscopic organism contamination.

Regarding pesticide residues the joint decree states that:

- The maximum allowable residue for products directly or indirectly consumed by humans is as per the appended list. (Ref: *Keputusan Bersama Menteri Kesehatan dan Menteri Pertanian Nomor: 881/Menkes/SKB/VIII/1996, 711/Kpts/TP.270/8/96*).
- Agricultural products circulated in Indonesia, whether locally produced or imported, are not permitted to contain higher levels of pesticide than those in the list.
- Agricultural products imported with greater than the allowed pesticide residue must be refused.
- Tests for pesticide residue are to be conducted in a laboratory appointed by the Minister for Health or the Minister for Agriculture.
- The Minister for Health and the Minister for Agriculture will monitor and enforce the joint decree according to their tasks and functions.
- The Minister for Health and the Minister for Agriculture will act in concert to make changes to the joint decree.

The list appended to the joint decree includes 218 pesticides and a number of potentially contaminated agricultural products for each pesticide. Example entries and the layout are as follows:

No.	Pesticide	Commodity		Maximum (mg/kg)
		Indonesian	English	
1.	<i>Abamektin</i>	Daging	Meat	0.01
	(abamectin)	Susu	Milk	0.01
2.	<i>Aldikarb</i>	Bawang Bombay	Onion	0.05
	(aldicarb)	Biji-biji	Cereals (dry)	0.1
		Bit gula	Sugar beet	0.05
		Bit gula (daun)	Sugar beet (leaf)	1
		Buncis (kering)	Beans (dry)	0.1
		Daging	Meat	0.01
		Jagung	Maize	0.05
		Jagung (pakan ternak)	Maize (forage)	5
		Jeruk	Citrus	0.2
		Kacang kedelai (kering)	Soybean (dry)	0.02

		Kacang tanah	Peanut	0.05
		Kapas (biji)	Cotton (seeds)	0.1
		Kemiri	Pecan	0.5
		Kentang	Potato	0.5
		Kopi (biji)	Coffee (beans)	0.1
		Nanas	Pineapple	0.5
		Pisang	Banana	0.5
		Sorgum	Sorghum	0.2
		Susu	Milk	0.01
		Tomat	Tomato	0.5
		Ubi jalar	Sweet potato	0.1
3.	Aldrin	Asparagus	Asparagus	0.1

There is no provision for use of alternative standards, for example CODEX, for pesticides not listed.

Regulation No. 03725/B/SK/VII/89 issued by the Director General for Control of Food and Medicine specifies maximum allowable levels for heavy metals contamination. The list covers six metals: arsenic; lead; copper; zinc; tin and mercury. For each element an allowable level is specified for fifteen food classes, for example fruit and fruit products, soft drinks and meat and derived products. The final category is "other food not listed above" thus making the list comprehensive.

Similarly Regulation No. 03726/B/SK/VII/89 issued by the Director General for Control of Food and Medicine lists sixteen classes of food and gives allowable limits for specified micro-organisms in the food categories.

Lists giving maximum allowable contamination of pesticide, metal and microscopic organisms can be obtained from the Department of Health, Director General for Control of Food and Medicine.

## SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

### Registration

All processed food products imported must be registered with the Department of Health except for:

- Processed food with a life of less than seven days at room temperature.
- Processed food representing a donation to the Government or to a Social Institution.
- Processed food in small quantities for the specific purposes of registration with the Department of Health, scientific research or personal consumption.

While the regulation indicates that small quantities for personal consumption do not require registration, the Customs barrier official decides the quantity permissible and so even small quantities have been seized and subjected to approval procedures.

Registration requires submission of five standard forms in triplicate together with:

- A sample of the food.
- The label (10 copies) and brochure if applicable.
- For repackaged product, the operating license of the Indonesian business involved and a letter of reference from the original production plant.

- For product produced under license, the Indonesian company's license and a letter of reference from the overseas factory.
- For imported products a reference letter from the overseas factory, a health certificate and a radiation free certificate in accordance with existing law.

Information required on the forms includes, but is not limited to, the following:

- Form A provides general information about the food, the name and address of the applicant and the factory or company.
- Form B gives the composition and quality of the product and its packaging.
- Form C covers the production process including method of cleaning the inner wrapping and closure.
- Form D explains quality control and final inspection.
- Form E lists the documents and substances submitted by the applicant.

The submission will be checked on receipt and complete submissions accepted for processing by the issue of Form M8. Incomplete submissions will be returned with Form M9, the rejection format. The cost of the registration process is not published in the regulations. Laboratory tests required would be conducted at a facility nominated by the Director General for Control of Food and Medicine at the expense of the applicant.

Certificates required for the import of food products include:

- Department of Health Approval Registration (Form M1 or M2)
- Radiation free for specific food types (see Section VII below)
- Certification of Islamic purity standards - "Halal".
- Certificate of Health from Country of Origin (see Section VII below)
- Irradiated food Certificate (see Section VII below)
- Food additive analysis certificate (see Section IV above)
- Alcoholic liquor requirements

Following consideration, the product may be:

1. Registered with the issue of Form M1;
2. Conditionally registered with the use of Form M2; or
3. Rejected from registration via the issue of Form M 3.

## **SECTION VII. OTHER SPECIFIC STANDARDS**

### **GMO's**

Any producer using genetic engineering must ensure that the product is safe for human consumption before distribution.

In terms of labeling requirements for GMO's: 1) The words GENETICALLY ENGINEERED FOOD shall be contained in labels of food resulting from genetic engineering; 2) In the case of processed food which results from genetic engineering as meant in paragraph being ingredients used in certain food products, the information on genetically engineered ingredients of foods resulting from the genetic engineering on labels shall be enough. However, specific implementing provision on the above requirements have not been issued nor has a level been set for adventitious presence; thus, GMO labeling requirements are not enforced.

## Halal Certification

Islamic purity : "Halal" is important. Any imported meat products should have the halal certificates issued by approved Islamic Centers in the United States. A list of six approved Islamic Centers in the U.S. provided by the Indonesian Council of Ulama (MUI) and notified by the Ministry of Agriculture on December 2000, which are:

1. Islamic Food and Nutrition Council of America (IFANCA), Chicago-Illinois
2. Islamic Food Authority Inc. USA, Maryland
3. International Institute of Islamic Thought c/q Marjac Abbatoir, Virginia
4. Islamic Center of Omaha, Omaha-Nebraska
5. Islamic Service of America, Cedar Rapids – Iowa
6. Pan Islamic Nutrition Society of America c/q Edelweiss Incorporated, Florida.

The phrase "*halal* slaughtering of poultry" refers to the slaughtering of poultry by a Moslem butcher who is physically and spiritually healthy and who performs his duties pursuant to Moslem procedures set forth in the Codex Alimentarius Commission, CAC/GL 24-1997.

## Health Certificates

A health or safety certificate from the country of origin must accompany all food imports. The principle being that food may only be imported if it is accepted in its country of production. The certificate is to be issued by the responsible authority in the country of origin or the exporting country. It should state that the food is safe or fit for human consumption, and that its distribution is permitted in the country of origin.

## Wine and Spirits

Alcoholic beverages are strictly controlled and subject to high rates of excise. The requirements for obtaining approval for importing alcoholic liquor are stated in several Ministerial and Departmental documents that should be researched before contemplating the export of alcohol.

## Irradiation Certificates

A certificate stating that the product is not contaminated by radiation greater than the level stated is required to accompany imports of the food types listed below:

- Milk and milk products. Cs137 150 Bq/kg
- Fresh or processed fruit and vegetables. Cs137 300 Bq/kg
- Fish and seafood both fresh and processed. Cs137 100 Bq/kg
- Meat and meat products. Cs137 100 Bq/kg
- Mineral water. Cs137 150 Bq/kg
- Cereals including corn flour and barley. Cs137 300 Bq/kg

The radiation compliance certificate is to be issued by the responsible authority in the country of origin or exporting country.

Food products that may be irradiated are as follows:

- Dry spices to prevent or retard insect infestation.
- Tubers and root crops (potatoes, onions, garlic) to retard sprouting.
- Grain cereals to prevent insect infestation.

Irradiated food must be labeled as such, using the logo illustrated and the word "RADURA". A certificate that states the following information for the batch must accompany the food:

- That the food has been irradiated.

- The objective of the irradiation.
- The national or international code of the radiation facility.
- The date of treatment.
- The radiation source used with the type, quantity and batch number of the food irradiated.

**Others**

- Milk products have special regulations.
- Baby food has special regulations.
- Food sanitation laws are contained in the guide to good food processing.
- Seafood has a special law relating to production standards for export rather than for imports.
- Animal quarantine applies and current law should be checked before planning export of live animals.

**SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAWS**

Copyright and trademark law is under review to meet world standards for protection of intellectual property. Indonesia is one of the countries on the US watch list for protection of intellectual property.

Trademarks should be registered with the patent office. The process requires over two years to completion, but the mark is provisionally protected from the date of lodgment.

Trademarks once registered have no limitation on period of validity.

**SECTION IX. IMPORT PROCEDURES**

Import procedures are relatively straightforward, but require meticulous attention to detail. Seemingly insignificant omissions or errors can result in considerable delay.

Import documents may be prepared in English, but the level of comprehension by public servants is limited. As an example Customs would not accept the term "cartage" on an invoice as meaning a freight charge because "cartage" is not in the most widely used English-Indonesian dictionary.

Documents should be concise, use simple language, and complete.

Standard documents, such as invoices, regularly used in the domestic market may not be suitable in export dealings. For example invoices that show a list price, then a discount percentage, then a total price charged result in duty being levied on the price before discount on the basis that the list price is the "correct" price.

Customs clearance if all documentation is complete could be finished in two days. However, attention to detail is most important. Incomplete documentation could result in delays of several weeks. For example processing Health Department registration could be expected to take in the order of eight weeks if no certificate accompanies the goods.

A determination by a Government official could be appealed. However, the official's determination would invariably be couched in terms of the current legislation and hence would be unlikely to over-ruled. Indonesian Courts give judgments on the basis of perceived justice, and are not strictly bound by precedent. Hence decisions have a degree of inconsistency and unpredictability.



## Rice

Indonesia announced new requirements on rice imports through a Decree by the Minister of Industry and Trade (MOIT) No. 9/MPP/Kep/1/2004. The decree became effective on January 10, 2004. According to the decree, rice may only be imported by Importer Producers of rice (IP-rice) and Registered Importers of rice (IT-rice). Under the new policy, imports may only be carried out during a certain period of time, i.e., one month prior to, during, and two months after the peak harvest season. Imported rice is not permitted to enter Indonesia after January 20 until June 2004. After that time, it may only be unloaded in ports of non-rice producing areas such as Java, South Sulawesi, South Kalimantan, and parts of Sumatra.

The new policy applies to a wide range of rice categories (rough, brown, fragrant, PB, and whole) except paddy for sowing (HS. 1006.10.10.00) and glutinous rice (HS. 1006.30.30.00). As other rice categories, both categories however, are subject to verification and technical inspection in the country where shipments are made. Food aid is permitted within the import time frame (and continuing the on-going program), but it is also subject to verification/inspection.

Imports of rice by ITs may only be carried out upon approval given by the Director General who would check all required documentation including name and address of the distributor or sub-distributor that work with the importer to distribute the imported rice in the country, who are known to trade officials in the province. The IT certificate is valid for not more than one year and is renewable. For each transaction, IT's should obtain approval from the Director General on the volume, type of rice to be imported, the port of destination and the shipping schedule. IT's are also required to submit monthly reports to the Director General, c/o Director of Import (MOIT) of rice imports that were made at the latest on the 15<sup>th</sup> of the month following rice import.

Imports by IPs are based on an annual approval by MOIT (*tonnage, type of rice, port of destination and shipping schedule*) and may only be used as raw material as industrial processing and may not be sold and/or transferred to other parties.

All imports of rice including: grain to be used as seeds (HS 1006.10.00); glutinous rice (HS 1006.30.30.00); rice flour (HS 1102.30.00.00); and other type of flour (HS 1102.90.00.00) by IP and IT are subject to verification or technical inspection in the country where shipments are made. Verification and technical inspection is to be conducted by a surveyor appointed by the Minister of Industry and Trade. Surveyors may charge fees to importers, importing agencies or donors for their technical inspection services. Provisions and procedures will be established by MOIT.

The verification and technical inspection does not apply to imports of rice that include: grain to be used as seeds; glutinous rice; rice flour; and other type of flour intended for research and technology development; samples; carried as personal belongings; and or packages of rice sent by a courier via aircraft.

Registration of IT's and endorsement of IP's and the revocations are managed by the Director General, MOIT. A monitoring team from related agencies was established to oversee implementation of the policy. The Director General, MOIT, will determine the organizational structure, membership, and duties of the team and may only be the one that make exceptions to this new rice import policy.

## Sugar



The Ministry of Industry and Trade (MOIT) decree No. 643/MPP/Kep/9/2002, dated September 23, 2002 restricts imports of sugar (raw and refined) to only Importer Producers of sugar (IP-sugar) that would process the sugar in their facilities and may not sell it to other parties or on the market. Plantation white sugar (semi-refined) may only be imported by Registered Importers for sugar (IT-sugar), state sugar mills that use 75 percent of the cane from farmers, which can be carried out only if the farm gate price of semi-refined sugar are above Rp. 3,100/kg. The MOIT grant IP-sugar for one year while IT-sugar is valid for a three-year period.

The Ministry of Agriculture Decree No. 03/Kpts/KB.410/1/2003, dated January 5, 2003, stipulated provisions on the compulsory application of local and imported raw sugar to meet a national standard (SNI-Standard National Indonesia No. 01-3140.1-2001), with implementation starting no later than May 5, 2003. The standard is aimed to protect consumers from taking raw sugar for direct consumption and to promote business opportunities for sugar refineries as well as encourage local sugar mills to increase production.

## **Biotechnology**

Indonesia signed the Cartagena Protocol in May 24, 2000. At the moment, Indonesia is in the process of ratifying the Protocol. The draft of the ratification of the Cartagena Protocol is being review by the Cabinet Secretariat prior to submission to the Parliament for approval.

## **Meat and Poultry Products**

### **Importers' requirement**

To import products to Indonesia, importers shall not only fulfill established administrative requirements but must also possess a Veterinary Control Number (NKV) issued by the authorized agency. An Import Certificate, issued by the Director General of Livestock Services (DGLS), must accompany every import of poultry and meat. The DGLS still requires that importers of meat and poultry apply for this license or "Letter of Recommendation" (SRI or Surat Rekomendasi Importir) in order to qualify for importing. In that letter, importers must indicate the product being imported, quantity, and destination (restaurant, hotel, wet market, etc.).

### **Exporters' requirements**

In December 24, 2002, the DGLS issued a decree letter about the requirements and procedures for importation of meat and other livestock products (including poultry), such as milk, skin/hide/leather, meat and bone meal, into Indonesia.

Below is the summary of the decree:

First, the exporter's government should submit an official request to the office of Veterinary Public Health, DGLS, to bring the products to the country. Based on the official request, the DGLS Services will send a questionnaire to obtain information on the status of animal diseases and the food safety system in the exporting country. Upon receipt, DGLS will: 1) approve; 2) request additional information; or 3) reject the application. If approved, it is suggested a Memorandum of Understanding (MOU) will be signed between the Indonesian Government and exporting, acknowledging the requirements. The MOU is void if: 1) the government of Indonesia suspends imports from a country due to a violation of health requirements and/or *halalness*; 2) in 2 (two) consecutive years the approved exporting

country failed to export meat to Indonesia. An exporting country whose approval certificate is declared null and void is required to file a new application if the country plans to resume export of poultry meat or parts of poultry meat to Indonesia.

Following the approval as an exporting country, evaluation of individual slaughterhouses and processing plants is required. First, a plant that intends to export its products to Indonesia must submit an official request to the Indonesian DGLS, through an agency responsible for Veterinary Public Health. Based on the request, the DGLS sends an application form to obtain a general description of the said business unit that relates to requirements on veterinary public health. Then, the application form submitted is reviewed to determine if a plant fulfills requirements on export of its products to Indonesia. The review will recommend: 1) On-site review is needed; 2) On-site reviews are delayed to allow for improvements or additional information; 3) Application is rejected. A team of Auditors, appointed by the DGLS, will conduct the on-site reviews. Team members will review: 1) Food safety assurance program in the establishment; 2) Halal assurance in the establishment; 3) *Halal* certificate issued by an authorized *Halal* Certification Institution. On-site reviews will apply for establishments and the *Halal* Certification Institutions or listed Islamic Organization in the country of origin. On-site reviews may also be conducted on the authorized agencies in the country of origin to verify conditions on animal diseases, animal health status and supervision system of animal-based foods safety.

Upon completion of the on-site reviews, the audit team member may either recommend an approval, a rejection or improvements/modifications. Based on the recommendation, the DGLS issues either an approval, a postponement or a rejection of the business unit to export poultry meat to Indonesia.

DGLS may also appoint Indonesian inspectors to oversee application of food safety requirements and *halal* assurances during production. The inspectors will inspect unit facilities, sanitation programs, slaughtering procedures, carcass and/or product inspections, transport and warehouse facilities, port facilities, and shipping processes.

A team of Indonesian auditors will conduct random surveillance of a processing unit that is certified to export its products to Indonesia. Surveillance is conducted at least once every 2 (two) years.

### **Ruminant Product Imports from the United States**

On 24 December 2003, the Ministry of Agriculture issued an official statement banning imports of U.S. meat and other ruminant products, as of that date, but would make exception for products in-transit with B/Ls prior to 24 December. On 26 December, Indonesia's FDA (BPOM) issued an official statement banning domestic sales of U.S. beef, and called on consumers not to consume U.S. beef. The MOA also stated that the ban would be removed when the World Organization for Animal Health (OIE) declares the United States BSE free. Then, on December 31, 2003 the Ministry of Industry and Trade also announced a temporary ban for all ruminant products and its related products from the United States.

### **Poultry Products from the United States**

On February 17, 2004, FAS/Jakarta received a courtesy copy of an internal letter from the Director General of Livestock Services, which notified a ban on imports for all U.S. poultry products and by-products. The letter specified the date of implementation was February 12, 2004. The ban was due to the Avian Influenza (AI) cases in Delaware. Products shipped before February 12, 2004 will be allowed to enter the country, except from the State of Delaware, as long they arrive at the latest on March 28, 2004. If products ship after

February 12, 2004 and if products arrive on and after March 29, 2004, they will be rejected. The notification states that the ban will be removed when the OIE declares the United States free of AI.

## SECTION X. CONCLUSIONS AND RECOMMENDATIONS

Food law in Indonesia controls domestic production, import of foodstuffs, processing and distribution. Import licensing is no longer generally required (except for meat, poultry, and other livestock products) but food products must be registered with the Department of Health before clearance through the Customs barrier.

Packaged food for sale in the Indonesian market must be labeled in the Indonesian language and must conform to mandatory inclusions. The original "use by date" affixed by the producer may not be altered by the importer, and "best before ..." dates are interpreted as expiry dates. The consumer protection law requires that the date of production be shown on the package. In some cases the exporter and importer could be jointly liable for penalties if the law was not observed. Moreover strict conditions apply to some products, notably food additives and alcoholic liquor.

Since the majority of the population professes the Muslim faith it is important to obtain "Halal" certification to market a food product. The process should be checked with the Indonesian Council of Ulama (MUI) because certification specifically for Indonesia must be obtained.

The process for registration of food is well documented and relatively straightforward, but it is time consuming and should be carried out before shipping. Typical time required for an uncomplicated approval is reported to be two months.

Transportation and storage infrastructure in Indonesia is limited, and hence availability of suitable facilities should be checked before shipping. The tropical conditions lead to rapid deterioration of products if not adequately protected.

Protection of intellectual property is underdeveloped in Indonesia, but trademarks should be registered to provide an element of protection. The process is not expensive but requires two years to complete. However, once registered the trademark remains valid indefinitely.

**APPENDIX A****SUMMARY OF LAWS, REGULATIONS AND DECISIONS**

The following list of laws, regulations and decisions is arranged hierarchically. With the enactment of the Food Act 1996 and subsequently the Consumer Protection Act 1999, most ministerial and departmental regulations and decisions rely on the authority of those acts, and especially the Food Act. A number of regulations are being drafted to complement the relatively new legislation. Up to date information regarding regulations should be sought from the Department of Health, Directorate General for Control of Food and Medicine.

**Acts covering most aspects of food law**

- ? Republic of Indonesia Act No. 7 of 1996 concerning Food
- ? Republic of Indonesia Act No. 8 of 1999 concerning Consumer Protection

**Primarily Concerned with Production and Distribution**

- ? Presidential Instruction No. 2 of 1985 concerning the Coordination of Fostering and Development of National Companies.
- ? Presidential Instruction No. 2 of 1991 concerning Improving the Development and Control of Production and Distribution of Processed Food.
- ? Minister of Health Regulation No. 329/Menkes/Per/XII/1976 concerning the Production and Distribution of Food.
- ? Minister of Health Regulation No. 86/Menkes/Per/IV/1977 concerning Alcoholic Beverages.
- ? Minister of Health Regulation No. 59/Menkes/Per/II/1982 Forbidding the Distribution, Production and Import of Alcoholic Beverages not Registered with the Department of Health.
- ? Minister of Health Decision No. 23/Menkes/SK/II/1978 concerning a Guide to Good Production Practices for Food.
- ? Director General of Control of Food and Medicine Decision No. 153/B/SK/1980 concerning Procedures for Licensing Alcoholic Beverages.

**Primarily Concerned with Food Quality and Safety**

- ? Presidential Instruction No. 2 of 1990 concerning a Guide for the Simplification of Quality Assurance of Fresh Fish and Frozen Fish.
- ? Joint Decision by the Ministers of Agriculture, Health and Trade No.363/Kpts/IK.120/5/1990, No.248/Menkes/SKB/V/1990, No.143/Kpb/V/1990 concerning a Guide for Implementation of Presidential Instruction No. 2 of 1990 concerning a Guide for the Simplification of Quality Assurance of Fresh Fish and Frozen Fish for Export.
- ? Joint Decision by the Ministers of Industry, Health, Trade and Internal Affairs No. 185/M/SK/5/1985, No. 242A/Menkes/SKB/V/1985, No. 756A/Kpb/V/1985, No. 22 of 1985 concerning Iodized Salt.
- ? Joint Decision by the Ministers of Health and Agriculture No. 881/Menkes/SKB/VIII/1996, No. 771/Kpts/TP.270/8/1996 concerning Maximum Levels of Pesticide Residues in Agricultural Products.
- ? Minister of Health Regulation No. 712/Menkes/Per/X/1986 concerning Health Criteria for Serving Prepared Food.
- ? Minister of Health Regulation No. 240/Menkes/Per/V/1985 concerning Substitutes for Breast Milk.
- ? Minister of Health Regulation No. 76/Menkes/Per/XII/1975 concerning Distribution and Labeling of Sweetened Condensed Milk.
- ? Minister of Health Regulation No. 180/Menkes/Per/IV/1985 concerning Time Expired Food.

- ? Minister of Health Regulation No. 208/Menkes/Per/IV/1985 concerning Artificial Sweeteners. Minister of Health Regulation No. 826/Menkes/Per/XII/1987 concerning Irradiated Food.
- ? Director General of Control of Food and Medicine Decision No. 02592/B/SK/VIII/1991 concerning the Use of Food Additives.
- ? Director General of Control of Food and Medicine Decision No. 02665/B/SK/VIII/1991 concerning Production Methods for Infant and Baby Foods.
- ? Director General of Control of Food and Medicine Decision No. 01323/B/SK/V/1985 concerning Minister for Health's Regulation No.180/Menkes/Per/IV/1985 about Time Expired Food.
- ? Director General of Control of Food and Medicine Decision No. 02942/B/SK/IX/1986 concerning Technical Procedures Guide for Quality Control of Iodized Salt at the Distribution and Consumer Level.
- ? Director General of Control of Food and Medicine Decision No. 03725/B/SK/VII/1989 concerning Limits of Metal Contamination in Food.
- ? Director General of Control of Food and Medicine Decision No. 03726/B/SK/VII/1989 concerning Limits of Bacterial Contamination in Food.
- ? Director General of Control of Food and Medicine Decision No. 02664/B/SK/VIII/1991 concerning Quality Criteria for Breast Milk Substitutes.
- ? Director General of Control of Food and Medicine Decision No. 02048/B/SK/VI/1991 concerning Procedural Guide for the Minister for Health's Regulation No.240/Menkes/Per/V/1985 about the Marketing of Substitutes for Breast Milk.
- ? Director General of Control of Food and Medicine Decision No. 02591/B/SK/VII/1991 concerning Changes to the Appendix to Minister for Health's Regulation No.180/Menkes/Per/IV/1985 about Time Expired Food.
- ? Minister of Agriculture Decision No. 745/KP/Kpts/TN240/1992 concerning the Veterinary Requirements for Imported Meat
- ? Director General of Livestock Decision No. 71/TN/690/Kpts/DJP/Deptan/2000 concerning Standard Operational Procedure for Importation of Animal and Product of Animal Origin
- ? Minister of Agriculture Letter No. TN.510/94/A/IV/2001 concerning Refusal and Preventive Actions on the Unintended Introduction of Foot and Mouth Diseases
- ? Director General of Livestock Services Decision No. 49/TN530/Kpts/DJBPP/12.02 concerning Technical Guidelines on Appraisal of Requirements on Veterinary Public Health of Poultry Meat to Indonesia

#### **Primarily Concerned with Import of Food**

- ? Minister of Health Decision No. 2380/Menkes/Per/VI/1979 concerning the Obligation to Include a Certificate of Analysis with Every Import of Food Additives.
- ? Minister of Health Decision No. 00474/B/II/1987 concerning the Obligation to Include a Health Certificate and Radiation Free Certificate with Food Imports.
- ? Director General of Control of Food and Medicine Decision No. 02594/B/SK/VIII/1991 concerning the Import of Food Additives.
- ? Director General of Livestock Decision No TN680/E/09.00 concerning on A Ban on Chicken Parts from the United States.
- ? Minister of Trade and Industry Decision No. 643/MPP/Kep/0/2002 concerning on Import Regulation on Sugar.
- ? Minister of Trade and Industry Decision No 324/KMK.01/2002 concerning on New Import Tariff on Sugar.
- ? Minister of Trade and Industry Decision No 03/Kpts/KB.410/1/2003 concerning on The Compulsory Application of Local and Imported Raw Sugar to meet a National Standard (SNI).
- ? Minister of Trade and Industry Decision No SE-20/BC/2003 concerning Regulation on Imports of Packed Food and Products Required a National Standard.

- ? Director General of Livestock Decision No 96/KL.050/F.1/12.03 concerning A Temporary Ban on Imports of U.S. Meat and Other Ruminant Products.
- ? Minister of Trade and Industry Decision No. 757/MPP/Kep/12/2003 concerning on A Temporary Ban for All Ruminant Products and Its Related Products from the United States.
- ? Minister of Trade and Industry Decision No 9/MPP/Kep/1/2004 concerning on Provisions on Import of rice.
- ? Director General of Livestock Decision No 341/HK.340/F/02.04 concerning A ban on Imports of Poultry Products and By Products from the United States.

**Primarily Concerned with Registration of Food**

- ? Minister of Health Regulation No. 382/Menkes/Per/VI/1989 concerning Registration of Food.
- ? Minister of Health Decision No. 1700/B/SK/VIII/1982 concerning criteria for Rejection of Registration of Certain Types of Liquor and Food or Drinks that Contain Alcohol.
- ? Director General for Control of Food and Medicine Decision No. 03537/B/SK/VI/1989 concerning Procedural Guide for the Minister for Health's Regulation No. 382/Menkes/VI/1989 about the Registration of Food.
- ? Director General for Control of Food and Medicine Decision No. 02593/B/SK/VIII/1991 concerning Procedures for the Registration of Food Additive Producers and Products.

**Primarily Concerned with Labeling of Food**

- ? Joint Decision by the Ministers for Health and Religion No.427/Menkes/SKB/VIII/1985, No.68 of 1985 concerning the Printing of Halal" on Food Labels.
- ? Minister of Health Regulation No. 280/Menkes/Per/XI/1976 concerning the Distribution and Labeling of Food Containing Substances Originating from Swine.
- ? Minister of Health Regulation No. 79/Menkes/Per/III/1978 concerning Labeling and Advertising Food.
- ? Director General for Control of Food and Medicine Decision No. 02240/B/SK/VII/1991 concerning a Guide to Quality Criteria and Labeling and Advertising of Food.

**APPENDIX B****REGULATORY AGENCIES AND RELEVANT ASSOCIATIONS**Ministry of Finance

Director General for Customs and Duties  
Jalan Jend. A. Yani / By Pass  
Jakarta  
Tel: +6221-4897511 Fax: +6221-4890308

Ministry of Agriculture

Director General for Food Crops  
Jalan AUP  
Pasar Minggu, Kotak Pos 97  
Jakarta 12520  
Tel: +6221-7806810 Fax: +6221-7806309

Director General for Livestock Services (DGLS)  
Building C, 6<sup>th</sup> Floor  
Jalan Harsono RM No. 3, Ragunan  
Pasar Minggu  
Jakarta 12550  
Tel: +6221-7815580 Fax: +6221-7815581

Director General for Agricultural Processing and Marketing  
Building D, 2<sup>nd</sup> Floor  
Jalan Harsono R.M No. 3  
Ragunan, Jakarta 12550  
Tel: +6221-7816183 Fax: +62-21-7816184

Agency for Agricultural Quarantine  
Building E, 5<sup>th</sup> Floor  
Jalan Harsono R.M No. 3  
Ragunan, Jakarta 12550  
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Ministry of Industry and Trade

Director General for Foreign Trade  
Building I, 4<sup>th</sup> Floor  
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Email: [djdaglu@dprin.go.id](mailto:djdaglu@dprin.go.id)

Directorate of Import  
Building II, 8<sup>th</sup> Floor  
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Email: [diri-daglu@dprin.go.id](mailto:diri-daglu@dprin.go.id)

Directorate General for Chemical Industry, Agros & Forest Products  
Jalan Gatot Subroto No. 52-53, 18<sup>th</sup> Floor  
Jakarta 12950  
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Deputy III for Dangerous Materials and Food Safety Control  
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National Logistics Board - BULOG  
Head  
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National Standardization Agency - BSN  
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Manggala Wanabakti Building, Block IV, 4<sup>th</sup> Floor  
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Jakarta  
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The Indonesian Council of Ulama - MUI  
Chairman  
Masjid Istiqlal Taman Wijaya Kusuma  
Jalan Masjid Istiqlal  
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The Indonesian Food & Beverage Association - GAPMMI  
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Jl. RS Fatmawati Raya  
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Association of Indonesian Fresh Fruit and Vegetable Importers (ASIBSINDO)  
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Association of Flourmills - APTINDO

Chairperson

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PT Columbia Food

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Executive Director

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Jakarta 12160

Ph : +6221-72783707 Fax: +622-72783708

Email : [arpi@cbn.net.id](mailto:arpi@cbn.net.id)American Soybean Association - ASA

Indonesian Representative

C/O PT Swaco Prima Windutama

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Jl. Yos Sudarso Kav. 89

Jakarta 14350

Ph: +6221-651-4752 Fax: +6221-651-4753

Email: [asagrains@indosat.net.id](mailto:asagrains@indosat.net.id)US Wheat Associates

Indonesian Representatives

C/O HBS &amp; Associates

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Ph: +6221-749-1455 Fax: +6221-749-1455

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**Regional Contacts who also cover Indonesia:**USA Poultry & Egg Export Council

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